statute cannot be invaded for purposes clearly informative or redemptive", *Almind* v. *Sea Beach Ry. Co.*, 141 N. Y. Supp. 842; that "it would not be within the evil sought to be remedied by that act to construe it so as to prohibit the use of the name, portrait, or picture of a living person in truthfully recounting or portraying an actual current event, as is commonly done in a single issue of a regular newspaper", *Binns* v. *Vitagraph Co.*, 210 N. Y. 51; that the statute would not be extended to prohibit the publication in the "NATIONAL POLICE GAZETTE" of the picture of a lady diver, in costume, and had never "been so far extended as to prohibit a publication, in a daily, weekly, or periodical paper or magazine, of the portrait of an individual", *Colyer* v. *Fox Pub. Co.*, 146 N. Y. Supp. 999. In the instant case, that the publication of the plaintiff's name and picture on the posters and placards of the defendant was a violation of the statute, as a use for "advertising purposes", seems clear; but, whether the use of her name and picture in the film was a violation of the statute, presents a more difficult question. The court held that such use was for "purposes of trade", that the film was used in defendant's regular business, for purposes of profit, and any dissemination of current news of the day was purely incidental; that the fact that defendant's film was a series of photographs of actual current events, produced and distributed weekly, and used as soon as possible after the occurrence of the events, did not make it a newspaper, or bring it within the protection extended to newspapers by the cases of *Colyer* v. *Fox Pub. Co., supra,* and *Jeffries* v. *N. Y. Eve. Journ. Pub. Co., supra;* that there was "a clear distinction between merely incidental and fortuitous use of an individual's picture as an incident to some important public event, and the exploitation of that individual as the important and central part of an event which is not of real public importance, however great may be the public interest therein".

INSURANCE—RISK—COLOR BLINDNESS—COMPLETE AND PERMANENT LOSS OF SIGHT OF BOTH EYES.—In an action on an insurance policy, *held,* that color blindness sustained by a railway trainman, which disqualified him from service is to be construed as the complete and permanent loss of sight of both eyes. *Routt* v. *Brotherhood of Railroad Trainmen* (Neb.), 165 N. W. 141.

The policy states that any member who shall suffer the complete and permanent loss of sight of both eyes shall be entitled to receive the full amount of his beneficiary certificate. The case involves the determination of what is a complete and permanent loss of sight. A dissenting opinion in this case by three justices stated, "To insure a person's ability to permanently continue in his particular vocation would, in a policy require words to that effect". A railway night switchman becoming color blind during his employment was held to be thereby disabled by sickness within the meaning of his employer's contract that they will pay him sick benefits for a limited time while he is disabled by sickness or accidental injury. *Kane* v. *Chicago, Burlington and Quincy Railroad Company,* 90 Neb. 112. In this case the court said, "The plaintiff for the purpose of his vocation is blind, and, being blind is sick within the meaning of the defendant regulations". Incurable blind-

ness is sickness within the meaning of the English Statute. *Regina* v. *Bucknell*, 77 E. C. L. 585. There are but few if any reported cases involving the question in this case. The holding goes pretty far and if it can be supported it must be on the grounds that the contract of insurance is construed most strongly against the insurer and that the defendant did business principally with railroad men.

INTOXICATING LIQUORS—STATUTE—CONSTRUCTION OF THE WORD "HOME."—Defendant stored two barrels of cider in an outhouse, situated at a distance of about eighty feet from the dwelling house in which there was no available space for storing the barrels. Molasses, apples, and other foods intended for the use of the family were also kept in this outhouse. Under the Mapp Prohibition Law, (ACTS, 1916, p. 216,) defendant was convicted for giving away cider taken from the barrels in the outhouse. Section 16 of the above law prohibited the giving away of ardent spirits in any place "except in a *bona fide* home"; section 61 provided that nothing in the law should prevent one "in his own home" from having and giving to another ardent spirits. The trial court refused to instruct the jury that the word "home" as used in the law was intended to include the curtilage, the whole cluster of buildings used by the family as a habitation. *Held*, the instruction should have been given. *Bare* v. *Commonwealth* (Va., 1917), 94 S. E. 168.

The construction of the statute adopted by the Supreme Court of Appeals seems in accord not only with the common understanding and acceptance of the term "home" as the place of residence rather than any particular building which may be at that spot, but also in accord with the construction of similar expressions as found in the common and statute law referring to arson, burglary and analogous crimes. For instance, in construing a statute prohibiting the carrying of weapons outside the "home", the court held that "home" included buildings necessarily appurtenant to the dwelling house. *Coker* v. *State*, 12 Ga. App. 425. An outhouse within the curtilage was considered a part of the "dwelling house" as regards the law of arson. *People* v. *Taylor*, 2 Mich. 250; *Page* v. *Commonwealth*, 26 Grat. (Va.) 943. An indictment for the burglary of a dwelling was sustained by proof of the breaking and entering of a barn eight rods in the rear of the house. *Pitcher* v. *People*, 16 Mich. 142. A game of cards played about ten feet from a tent used as private residence was played "at the residence" within the meaning of a statute prohibiting gaming at any place except at a private residence. *Hipp* v. *State*, 45 Tex. Cr. App. 200. The killing of a man in a building thirty-six feet from the accused's house was considered justified as in defense of his habitation. *Pond* v. *People*, 8 Mich. 150. See also 2 BISHOP, CRIMINAL LAW, Ed. 7, § 104.

LIBEL AND SLANDER—PRIVILEGED COMMUNICATIONS.—While the defendant was presenting a claim against the plaintiff in the regular course of business, he was shown the books of the company. He communicated the information thus obtained to a credit company of which he was correspondent along with his opinion that concerted action by the creditors was necessary. The infor-